



U.S. Department of Justice

Antitrust Division

San Francisco Office
450 Golden Gate Avenue
Box 36046
San Francisco, California 94102
September 1, 2009

Telephone (415) 436-6660
Telecopier (415) 436-6687

The Honorable Susan Illston
United States District Court
Northern District of California
Courtroom 10, 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: In re TFT-LCD (Flat Panel) Antitrust Litigation MD 07-1827-SI

Dear Judge Illston:

This letter is in response to The Honorable Fern M. Smith's Report & Recommendation Re: Toshiba Entities Motion For Modifications to the Discovery Schedule and Plan dated August 24, 2009 in the above captioned case. Judge Smith's report recommends various modifications to the Court's Order Granting United States' Motion to Modify The Court's September 25, 2007 Order which provided the DOJ with copies of all discovery in the TFT-LCD civil case. Attached is a copy of Judge Smith's Report.

The United States Department of Justice, Antitrust Division ("DOJ") objects to Judge Smith's recommendations and would appreciate the opportunity to brief the Court on the relevant issues before this Court issues a final decision. The DOJ has met and conferred with counsel for AU Optronics Corp. ("AUO") and the Toshiba entities, and the parties have agreed, subject to Court approval, to the following briefing schedule: (1) the DOJ's opening brief will be due on September 14, 2009; (2) AUO and Toshiba's opposition briefs will be due on September 25, 2009; (3) the DOJ's reply brief will be due on October 2, 2009; and (4) a hearing will be held on October 9, 2009.

Please advise the parties if this briefing schedule is acceptable to the Court.

Sincerely

Niall E. Lynch
Assistant Chief

Enclosure

cc: Christopher A. Nedeau, Esq.
Wayne Cross, Esq.